



# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

## Application for Hearing

☒ Board of Adjustment

☒ Planning Commission

Petition # 12-21 Filing Fee: \$300.00 Date Received 5/18/12 Received by: CHA

Subject Property: 201 New Rd / Malpookey's Tavern

Property is: ☐ Residential ☒ Commercial

Tax Parcel # 19-002.00-240 Zoning District: CC

Applicant name: Joseph A. Quill

Address: 102 Laurel Lane Telephone # 302-757-0736

City: Wilmington State: DE Zip Code: 19804

☐ Application for Planning Commission Review of: N/A

☐ Application for Zoning Variance Related to: N/A

☐ Front yard setback

☐ Lot Coverage

☐ Rear yard setback

☐ Fencing

☐ Side yard setback

☐ Parking requirements

☐ Lot Area

☐ Signage

☒ Application for Special Exception Use Permit for the following use: Part of Parking lot for outside patio & extension of side entrance

☐ Application for Appeal of an Administrative decision: \_\_\_\_\_

By: Joseph A. Quill Date: 5/18/12

For the following reasons: N/A

☐ Application for relief other than above: N/A

State reasons for this request:

① Partial use of parking lot for outside patio for serving customers

② Extend cover roof for smoking area & protection from weather & deck above to accommodate air conditioning units.

Has a previous application for this property been filed with the Town? ☐ Yes ☒ No

If yes, Petition # N/A

If the applicant is not the Legal Owner of the property:

Legal owner information:

Name: N/A

Address: \_\_\_\_\_ Telephone # \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Please submit the following with this petition:

- A copy of a plot plan showing the following: location of the property; a diagram showing the layout, size, and location of existing structures on the property; a diagram showing the layout, size, and location of any proposed structures on the property.
- A copy of any deed restrictions on the property.  
NOTE: THE BOARD OF ADJUSTMENT OR PLANNING COMMISSION CANNOT APPROVE ANY APPLICATION PROHIBITED BY DEED RESTRICTIONS.
- Filing fee, payable to the Town of Elsmere.

The undersigned hereby certifies that the legal owner of the subject property is aware of, and agrees to the filing of this application, that the information submitted herein is correct, and agrees to be bound by any decision of the Town of Elsmere Board of Adjustment with respect to the subject property.

**NOTE: The legal owner or his/her authorized representative must sign this form.**

Applicant's Signature: Joyce L. Zwill Date: 5/18/12

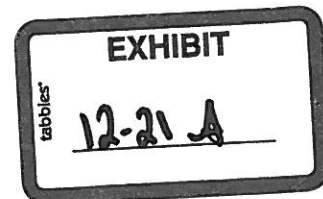
Legal Owner's Signature: Same Date: \_\_\_\_\_

In addition to the persons listed above please send copies of all correspondence to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone # \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_



Site Analysis  
Petition 12-21

Property Owner: Joseph Quill  
Zoning District: CC  
Address: 201 New Rd.  
Parcel No.: 1900200240

Primary Use: Commercial

LOT COVERAGE CALCULATIONS

Lot Area in Sq. Ft.:	10,103	Sq. Ft.
Allowable Lot Coverage:	1,515	Sq. Ft. (15%)
 Total Coverage:	 8,892	 Sq. Ft. (89%)
❖ Building=	3,534	Sq. Ft.
❖ Front Porch =	0	Sq. Ft.
❖ Garage=	0	Sq. Ft.
❖ Parking=	5,448	Sq. Ft.
❖ Rear Patio=	0	Sq. Ft.

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Proposed Addition: 36 Sq. Ft.

Proposed Total: 8,982 Sq. Ft. (89%)

Conclusion: Allowable lot coverage is 15%. The lot is currently at 89% coverage. No additional pervious coverage is proposed.

Required Setbacks: Front: 20 ft. Rear: 20 ft.  
Side: 0 ft. Both Sides: 0 ft.

Existing Setbacks: Front: 22.5 ft. Rear: 2.6 ft.  
Side: 2.6 ft. Both Sides: 7.6 ft.

Proposed Setbacks: Front: 22.5 ft. Rear: 2.6 ft.  
Side: 0 ft. Both Sides: 5 ft.

Conclusion: Rear setback is currently in violation of the ordinance.

STATEMENT OF FACT

1. Applicant seeks to build a balcony over the public walkway & over the property line into the Town's right-of-way.
2. Applicant also seeks to convert a portion of the existing parking area into a patio/seating area.

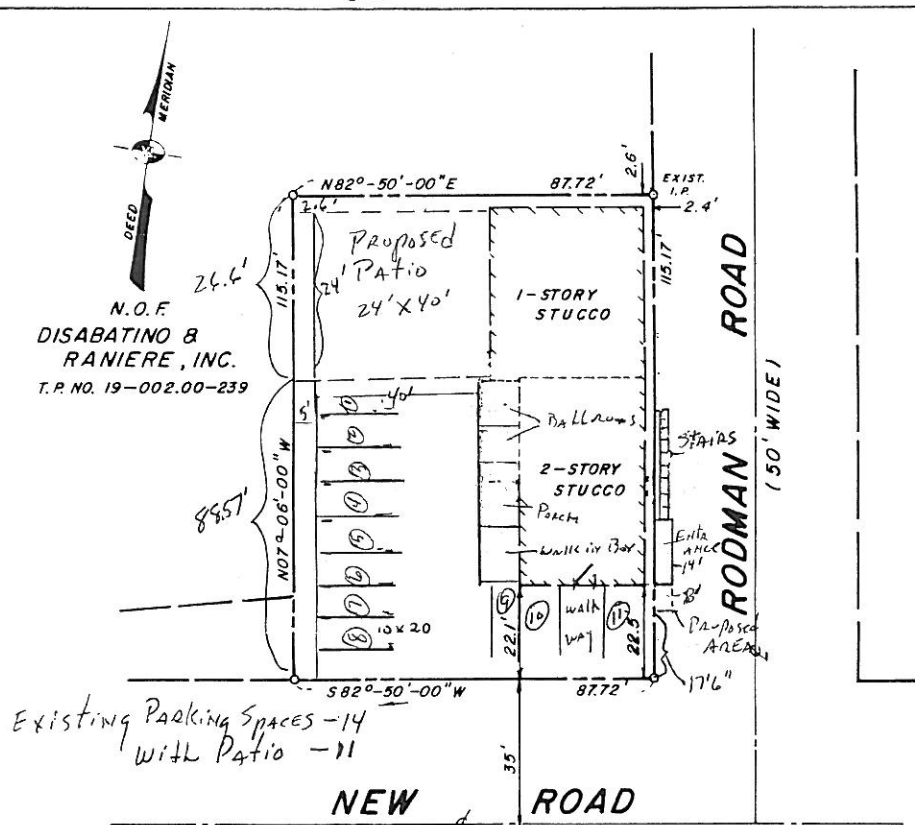


### ISSUE

1. The proposed, elevated balcony is to be constructed on the Town's right-of-way and not on the applicant's property.
2. The property is located within the FEMA Flood Zone, and Town of Elsmere code 225-9 states it will require a Planning Commission review. The applicant should demonstrate that all proposed development complies with Town of Elsmere code 225-22.
3. The applicant seeks to reduce the existing parking from 14 spaces to 11. Per Town of Elsmere code 225-10, approximately 21-22 spaces are required assuming the bar employs 3-4 people. The proposed patio would require an additional 5 spaces, bringing the total required spaces to 26-27. The applicant has proposed 11 with no ADA spaces. 26-27 spaces would require 2 ADA spaces, one of which, should be "van accessible".

Mu/rooney's Tavern

Proposed: Patio - rear of Parking Lot  
- Extension of Rodman St. Entrance Roof & Deck



# NOTES:

1. TAX PARCEL NO. 19-002.00-240
2. MODIFIED GRID NO. 096/356
3. AREA: 0.232 ACRES
4. ZONING: 0-1
5. SOURCE OF TITLE: 2238-0211
6. THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO EASEMENTS, VALIDITY OF CHAIN OF TITLE, ETC., THAT A SUBSEQUENT SEARCH AND SURVEY MAY DISCLOSE.
7. NO ATTEMPT WAS MADE TO LOCATE THE UNDERGROUND UTILITIES WHICH MAY EXIST ON THIS PROPERTY. PRIOR TO ANY EXCAVATION, CONTRACTORS SHALL BE RESPONSIBLE TO DETERMINE THEIR EXACT LOCATION.
8. SURVEYED BY VANDEMARK & LYNCH, INC. SEPT. 8, 1999

## SITE IMPROVEMENT PLAN NEW ERA L.L.C. 201 NEW ROAD ELSMERE NEW CASTLE COUNTY DELAWARE

SCALE: 1"=30'

SEPT. 10, 1999

This drawing/map/plot reflects conditions as of 9/10/99  
and may not show current conditions as of 5/29/12

004-BL/004 4/18/97 Norm 12142

APPROVED

THURGOOD LAWYERS

PROPERLY COMPLETES THE IMPLIED WARRANTIES HEREIN



VANDEMARK  
& LYNCH, INC.

1000 E. 10th Street  
Cape May, NJ 08204  
609.328.1234  
FAX 609.328.1235

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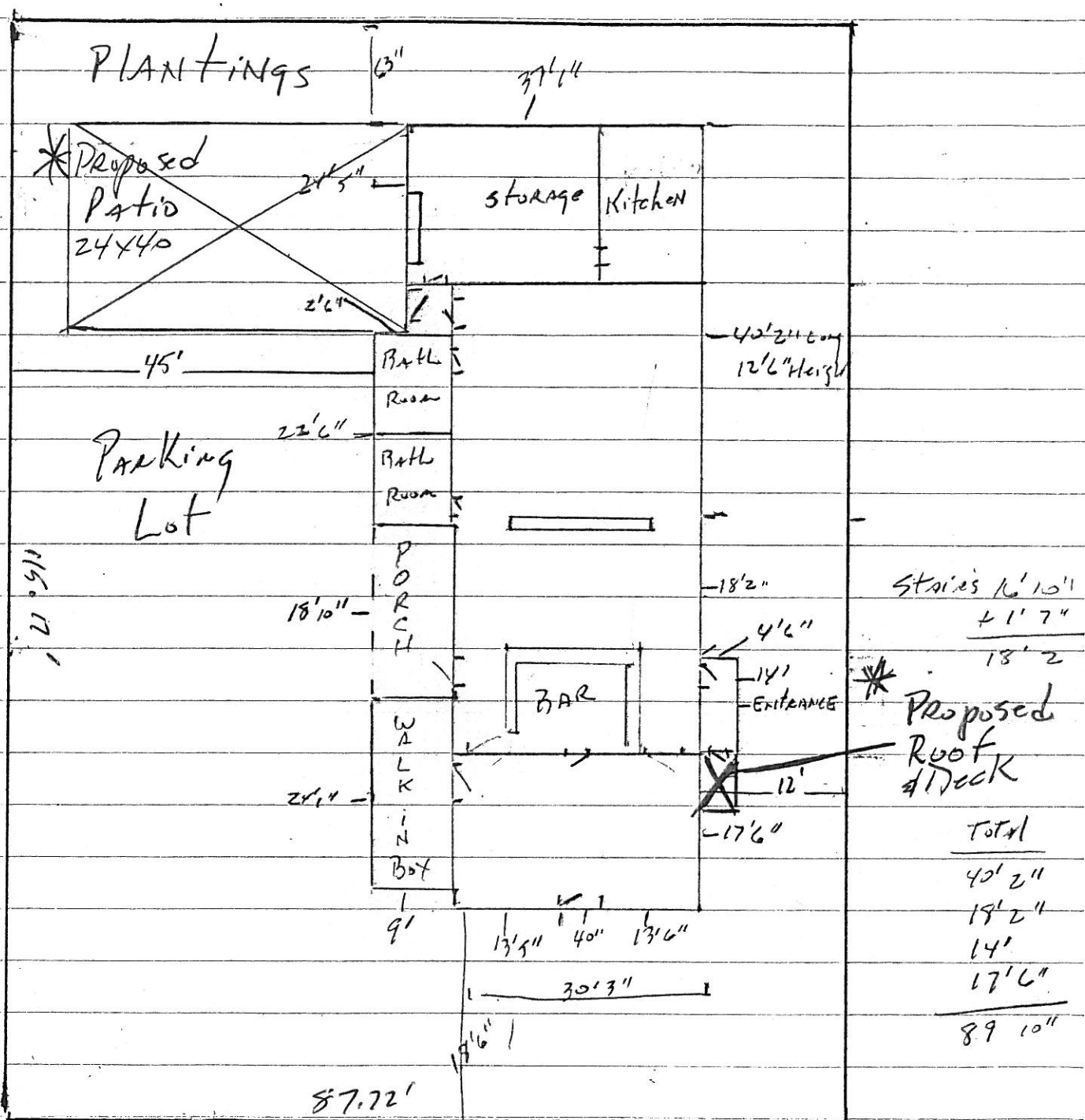
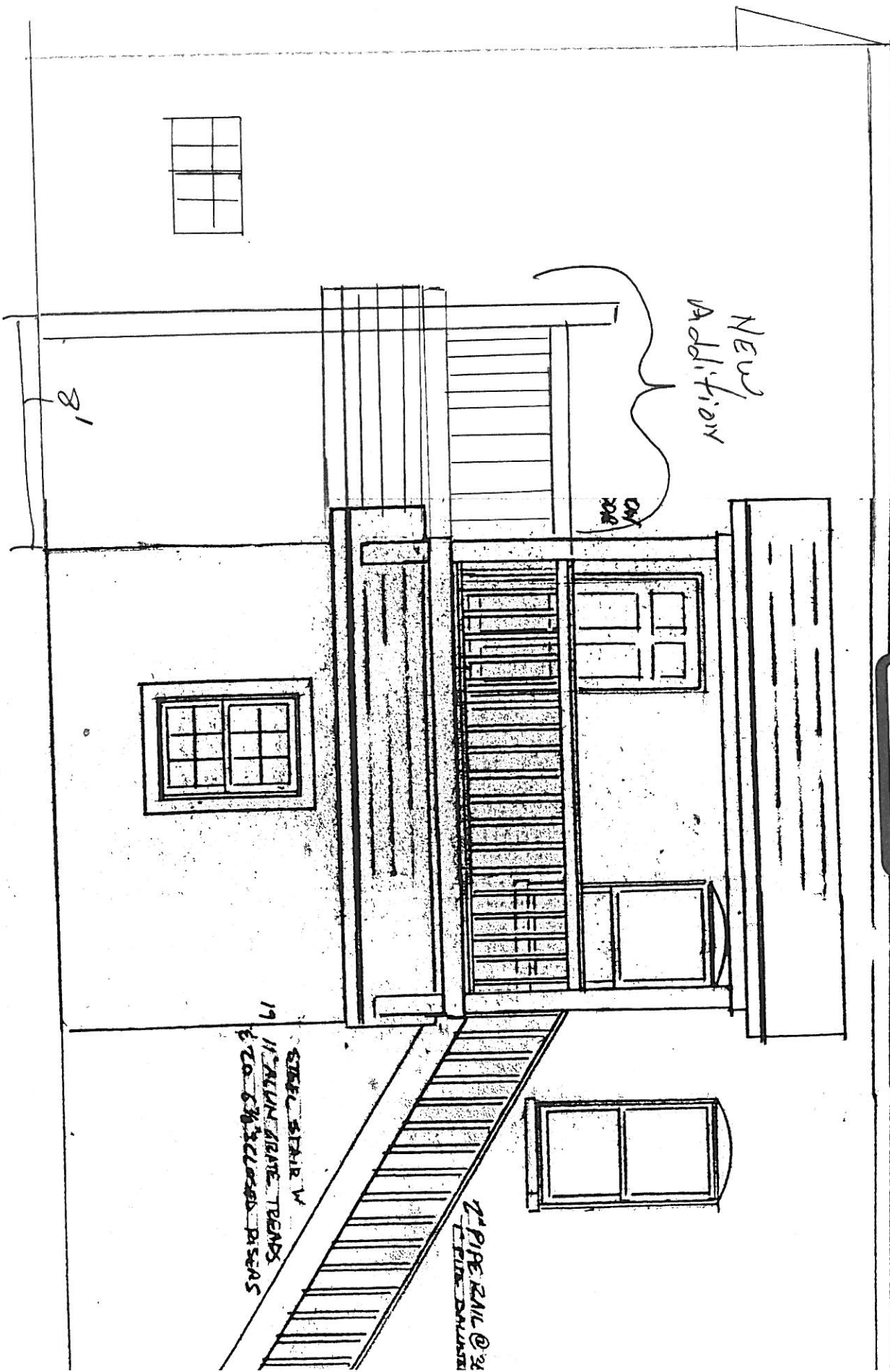




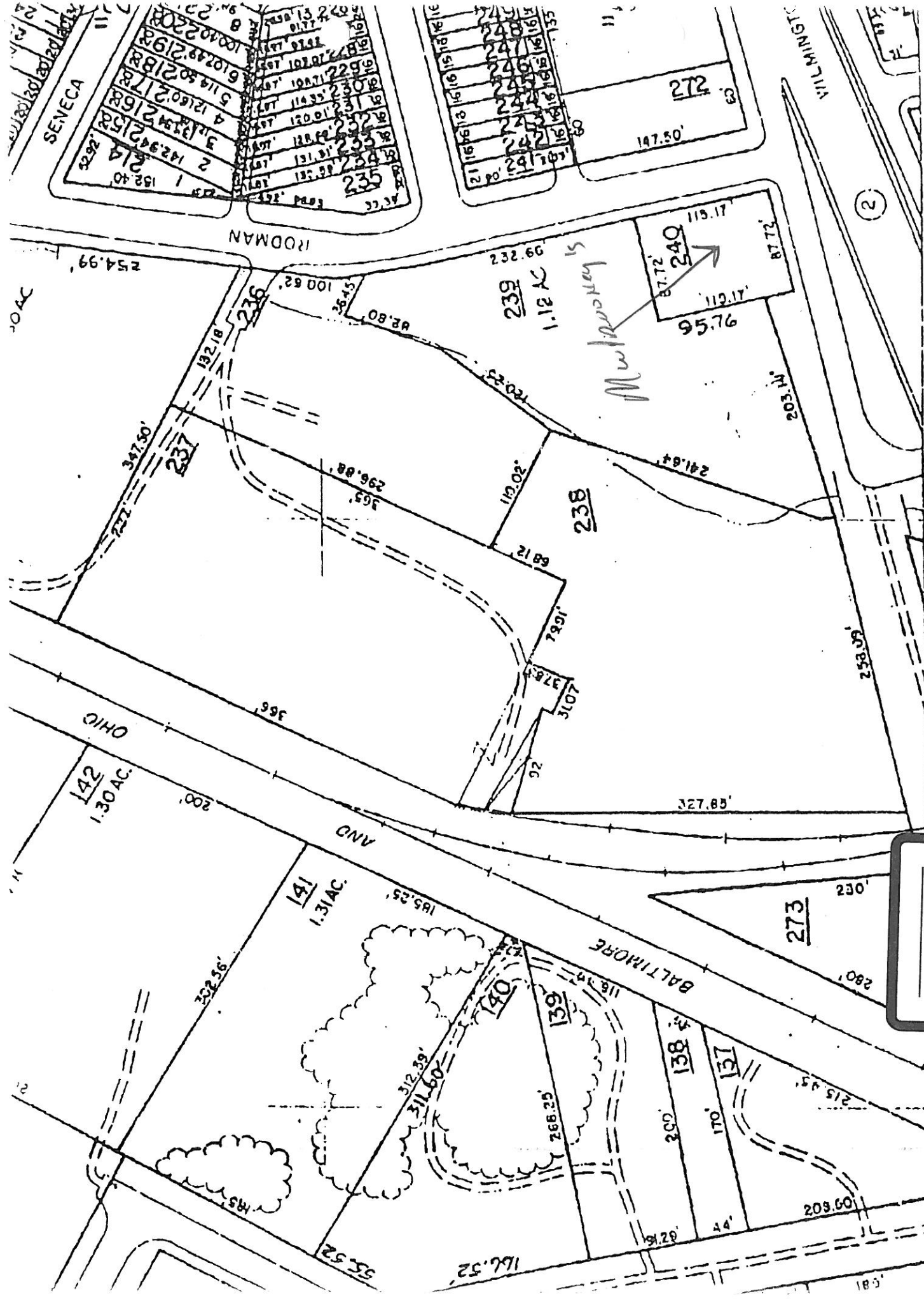
EXHIBIT  
12-21 E

Mu/200 N 415



RIGHT ELEVATION

1/2\"/>



Mudway 15

EXHIBIT  
12-21-15  
tabbles

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E 452 000



